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DISTRICT OF ARIZONA	
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 United States of America,
13 Plaintiff

§ Case No. 22-cr-08092-SMB

14 vs.
15
16
17

§ **MOTION TO WITHDRAW
18 GUilty PLEA**

19 Samuel R Bateman,
20 Defendant

21 TABLE OF AUTHORITIES

22 Cases

- 23 • *Brady v. United States*, 397 U.S. 742 (1970)
- 24 • *Hill v. Lockhart*, 474 U.S. 52 (1985)
- 25 • *McCoy v. Louisiana*, 584 U.S. 414 (2018)
- 26 • *Ricketts v. Adamson*, 483 U.S. 1 (1987)
- 27 • *Strickland v. Washington*, 466 U.S. 668 (1984)
- 28 • *United States v. Chronic*, 466 U.S. 648 (1984)
- *United States v. Cotton*, 535 U.S. 625 (2002)
- *United States v. Davis*, 428 F.3d 802 (9th Cir. 2005)
- *United States v. Dominguez Benitez*, 542 U.S. 74 (2004)

- *United States v. Franco-Lopez*, 312 F.3d 984 (9th Cir. 2002)
- *United States v. Jones*, 472 F.3d 1136 (9th Cir. 2007)
- *United States v. Packwood*, 848 F.2d 1009 (9th Cir. 1988)

Statutes

- 18 U.S.C. § 2423(a)
- 18 U.S.C. § 1201(a)(1)

Constitutional Provisions

- U.S. Const. amend. V (Due Process Clause)
- U.S. Const. amend. VI (Right to Counsel)

Rules

- Fed. R. Crim. P. 4 (Warrants)
- Fed. R. Crim. P. 11 (Pleas)
- Fed. R. Crim. P. 11(d)(2)(B) (Withdrawal of Plea)

INTRODUCTION

Defendant **Samuel Rappylee Bateman**, appearing **pro se**, respectfully moves this Court to withdraw his guilty plea pursuant to **Federal Rule of Criminal Procedure 11(d)(2)(B)**. A defendant may withdraw a guilty plea before sentencing if he can demonstrate a “fair and just reason” for the request.

Here, withdrawal is justified because:

1. The plea resulted from **ineffective assistance of counsel** under the Sixth Amendment;
2. The plea was **not knowing, voluntary, or intelligent** as required by Rule 11 and constitutional due process;
3. **Jurisdictional defects** deprived the Court of authority to accept the plea; and
4. The **Government breached the plea agreement** and introduced matters beyond the indictment.

1
2 **LEGAL STANDARD**

3 A guilty plea may be withdrawn prior to sentencing upon a showing of a
 4 “fair and just reason.” *United States v. Jones*, 472 F.3d 1136, 1141 (9th Cir. 2007).
 5 Reasons that satisfy this standard include ineffective assistance of counsel, lack of
 6 voluntariness, or jurisdictional infirmities. See *Strickland v. Washington*, 466 U.S.
 7 668 (1984); *United States v. Davis*, 428 F.3d 802 (9th Cir. 2005).

8
9 **ARGUMENT**

10 **I. Ineffective Assistance of Counsel Deprived Defendant of a Fair Proceeding**

- 11 • Under *Strickland v. Washington*, counsel is ineffective when performance
 12 falls below an objective standard of reasonableness and prejudices the
 13 defendant.
- 14 • Defendant’s counsel induced a guilty plea **without reviewing discovery** or
 15 investigating defenses, contrary to *United States v. Chronic*, 466 U.S. 648
 16 (1984).
- 17 • The transcript shows Defendant objected to the wording of the plea
 18 agreement (Docket 521, TR 39:4-6; TR 58:17-23). Despite this, counsel
 19 pressured him into accepting the plea and affirmatively told the Court his
 20 client was guilty. This directly violated *McCoy v. Louisiana*, 584 U.S. 414
 21 (2018).
- 22 • Counsel also stipulated to an **illegal mandatory minimum of 20 years**,
 23 even though the statutes (18 U.S.C. §§ 2423(a), 1201(a)(1)) do not require
 24 such a minimum. Only Congress may set penalties.

25 Had counsel performed competently, Defendant would have proceeded to trial.

26 See *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

27
28 **II. Defendant’s Plea Was Not Knowing, Voluntary, or Intelligent**

- 1 • A guilty plea must be entered knowingly, voluntarily, and intelligently.
 2 *Brady v. United States*, 397 U.S. 742, 748 (1970).
- 3 • Defendant never reviewed discovery prior to entering the plea.
- 4 • Defendant objected to the factual basis, yet was pressured to accept it.
- 5 • The Rule 11 colloquy failed to cure these defects. See *United States v.*
 6 *Dominguez Benitez*, 542 U.S. 74 (2004).

7 **III. Jurisdictional Defects Render the Plea Void**

- 9 • Defendant was arrested on **September 13, 2022**, yet the warrant was not
 10 filed until **November 1, 2022**—a 73-day delay—in violation of Fed. R.
 11 Crim. P. 4.
- 12 • The indictment was limited to the District of Arizona, yet evidence from
 13 other states was introduced without amendment. Jurisdiction cannot be
 14 conferred by consent. *United States v. Cotton*, 535 U.S. 625, 630 (2002).

15 **IV. The Government Breached the Plea Agreement**

- 17 • Plea agreements are construed as contracts. *Ricketts v. Adamson*, 483 U.S. 1,
 18 16 (1987).
- 19 • The Government went beyond the terms of the agreement by introducing
 20 uncharged allegations and inflating sentencing exposure.
- 21 • Any ambiguities must be construed against the Government as drafter.
 22 *United States v. Franco-Lopez*, 312 F.3d 984, 989 (9th Cir. 2002); *United*
 23 *States v. Packwood*, 848 F.2d 1009, 1012 (9th Cir. 1988).

24 **CONCLUSION**

26 For the foregoing reasons, Defendant respectfully requests that this Court:

- 27 1. **Grant withdrawal of his guilty plea** under Fed. R. Crim. P. 11(d)(2)(B);
- 28 2. **Vacate the plea and restore the case to trial posture;** and

3. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

Dated: September 4, 2025

Samuel Bateman, Defendant
Pro Se

Certificate of Service

I hereby certify that on this **4th day of September, 2025**, I caused a true and correct copy of the foregoing **Motion to Withdraw Guilty Plea** to be sent to the Clerk of the Court and served by **first-class U.S. mail, postage prepaid**, upon:

Dimitra Hotis Sampson

Office of the United States Attorney
District of Arizona
2 Renaissance Square
40 N Central Ave., Ste 1800
Phoenix, AZ 85004-4408

Dated this 4, day of September 2025.

Respectfully submitted,

Samuel Bateman, Pro Se